



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 18-418, **Version:** 1

Consider/Discuss/Act on a Curfew Ordinance, Article VIII, Chapter 70, "Curfew Hours for Minors"

COUNCIL GOAL: Safe & Secure Community

MEETING DATE: May 15, 2018

DEPARTMENT: Police Department

CONTACT: Greg Conley, Chief of Police

RECOMMENDED CITY COUNCIL ACTION:

- Approve Ordinance

ITEM SUMMARY:

- The former curfew ordinance expires on June 2, 2018. The ordinance must be renewed every three years as required by Texas Local Government Code, Section 370.002.
- The intent of the curfew ordinance is to decrease juvenile violence, juvenile gang activity and crimes committed by persons under the age of 17.
- Persons under the age of 17 are particularly susceptible to participate in unlawful and gang activities, and to be victims of older perpetrators of crime due to their lack of maturity and experience.
- Having a curfew ordinance assists the Police Department in protecting minors from each other and older persons, to enforce parental control and responsibility for children, in the protection of the general public and to reduce the incidents of juvenile criminal activities.

BACKGROUND INFORMATION:

- The previous ordinance was adopted on June 2, 2015.
- This ordinance continues the curfew hours between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. the following day; and 12:01 a.m. until 6:00 a.m. on any Saturday and Sunday.
- A violation of the ordinance occurs if:
 - (1) a minor remains in a public place during curfew hours,
 - (2) a parent or guardian of a minor allows a minor to remain in a public place during curfew hours, or
 - (3) an establishment allows a minor to remain on the premises of an establishment during curfew hours.
- There are several defenses to prosecution (exceptions) for the minor:

- (1) They are accompanied by a parent or guardian or another adult approved by the parent or guardian.
 - (2) They are on an errand for the parent or guardian, without a detour or stop.
 - (3) In a motor vehicle involved in intrastate or interstate travel.
 - (4) Engaged in employment activity or going to and from employment without any stops or detours.
 - (5) Involved in an emergency.
 - (6) On an errand made necessary by illness, injury or medical emergency.
 - (7) On a sidewalk abutting the minor's residence or their next-door neighbor and the neighbor has not complained.
 - (8) Attending an official school, religious or other recreational activity supervised by adults.
 - (9) They are exercising their First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right to assembly.
 - (10) They are married or had disabilities of minor removed in accordance with Chapter 31 of the Texas Family Code.
- It is also a defense to prosecution that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on their establishment during curfew hours and refused to leave.
 - Enforcement action will not be taken by an officer until the age of the minor and the reason for being in a public place is determined and no defense is present.
 - Each offense, if convicted, is punishable by a fine not to exceed \$500.
 - The Municipal Court Judges are encouraged to consider a community service program.

FINANCIAL SUMMARY: N/A

BOARD OR COMMISSION RECOMMENDATION: N/A